

12/06/04

PTO/SB/21 (02-04)

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/046,833	
	Filing Date	January 15, 2002	
	First Named Inventor	Mark Vanderberg	
	Art Unit	3611	
	Examiner Name	Gary Chapman Hoge	
Total Number of Pages in This Submission	7	Attorney Docket Number	101175.0001US1

**RECEIVED**  
DEC 09 2004

**OFFICE OF PETITIONS**

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Reply to Decision on Petition and Submission of Formal Drawings
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Martin Fessenmaier Rutan & Tucker, LLP
Signature	
Date	12/3/04

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Washington, DC 20231 on this date:

Typed or printed name	Collene Houston
Signature	
Date	12/3/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Mark Vanderberg

Application No.: 10/046,833

Group No.: 3611

Filed: 01/15/2002

Examiner: Gary Chapman Hoge

For: SLIDING PANEL PHOTOGRAPHIC CARD

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL OF FORMAL DRAWINGS**

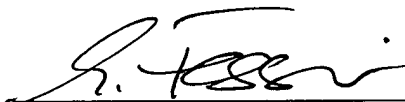
In response to the NOTICE OF ALLOWABILITY and EXAMINER'S AMENDMENT mailed on May 20, 2003, attached please find:

- (a) the corrected formal drawing(s), Fig. 12C for this application.  
Number of Sheets: 1

a copy of the EXAMINER'S AMENDMENT is attached.

Date: 12/3/04

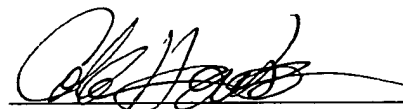
Reg. No.: 46,697  
Tel. No.: 714-641-5100  
Customer No.: 34284

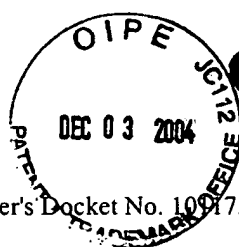
  
\_\_\_\_\_  
Signature of Practitioner  
Martin Fessenmaier  
Rutan & Tucker, LLP  
P.O. Box 1950  
611 Anton Blvd., 14th Floor  
Costa Mesa, CA 92628-1950

**CERTIFICATE OF EXPRESS MAILING OR MAILING (37 C.F.R. section 1.10/1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as Express Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, bearing label no. EV607355680US.

Date: 12/3/04

  
\_\_\_\_\_  
Collene Houston



Practitioner's Docket No. 100175.0001US1

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Mark Vanderberg

Application No.: 10/046,833

Group No.: 3611

Filed: 01/15/2002

Examiner: Gary Chapman Hoge

For: SLIDING PANEL PHOTOGRAPHIC CARD

**Mail Stop Petition**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

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**OFFICE OF PETITIONS**

**REPLY TO DECISION ON PETITION – DENIAL OF  
PETITION TO REVIVE PATENT APPLICATION—FAILURE TO PAY ISSUE  
FEE UNINTENTIONAL (37 C.F.R. §§ 1.137(b) AND 1.316)**

1. Applicant previously petitioned for the revival of this application.
2. Nature of the Abandonment:

In the communication from the PTO mailed September 25, 2003, it was noted that this application was abandoned for failure to pay the issue fee within the 3-month period from the date of the notice of allowance required by 37 C.F.R. § 1.316.

3. The delay in payment of the issue fee was unintentional. The entire delay from the due date in paying the required issue fees until the filing of this petition was unintentional. 37 C.F.R. § 1.137(b)(3).
4. Payment of the issue fee (37 C.F.R. § 1.137(b)(1):

Regular Patent Issue Fee (small entity):

\$685.00

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**CERTIFICATE OF EXPRESS MAILING OR MAILING (37 C.F.R. section 1.10/1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as Express Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, bearing label no. EV607355680US.

Date: \_\_\_\_\_

\_\_\_\_\_  
Collene Houston

Unpaid Publication Fee: \$300.00

5. Petition fee (35 U.S.C. § 41(a)(7) and 37 C.F.R. § 1.17(m)):

Application status is: Small business entity—fee: \$685.00

Advance Order for 1 (one) copy of patent: \$3.00

Total issue, publication and petition fee to be paid: \$1,673.00

6. Payment of total fee:

Applicant previously authorized the Commissioner for Patents to charge deposit account 502191 in the amount of \$1,673.00 and to charge any additional fees required by this paper or credit any overpayment to deposit account 502191.

7. Terminal Disclaimer:

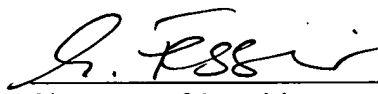
This utility/plant application was filed on or after June 8, 1995 and no terminal disclaimer is required.

8. The Petition to Revive was denied because applicant did not submit the required amended drawing. Submitted here with is the Transmittal of Formal Drawings with the corrected drawing.

Applicant hereby requests that a patent be issued for this application.

Date: 12/3/09

Reg. No.: 46,697  
Tel. No.: 714-641-5100  
Customer No.: 34284

  
\_\_\_\_\_  
Signature of Practitioner

Martin Fessenmaier  
Rutan & Tucker, LLP  
P.O. Box 1950  
611 Anton Blvd., 14th Floor  
Costa Mesa, CA 92628-1950

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Howard Klein on May 19, 2003.

The application has been amended as follows:

Claims 1-10, non-elected without traverse in paper number 4, have been cancelled.

In claim 11, line 26, "ands" has been changed to --and--.

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: Reference character "58" has been added to Fig. 12c, as shown in red ink on the attached drawing correction. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C Hoge whose telephone number is (703) 308-3422. The examiner can normally be reached on 5-4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone numbers for the organization where this application or proceeding is assigned are 308-1111 for regular communications and 308-1111 for After Final communications.

Application/Control Number: 10/046,833

Page 3

Art Unit: 3611

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Gary C Hoge  
Primary Examiner  
Art Unit 3611

gch  
May 19, 2003